IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 9127 of 1997(J)

PETITIONERS:

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1. **ALL KERALA KEROSENE WHOLE SALE DEALERS ASSOCIATION, XIV/869, SHORNUR ROAD, WEST PERINGAVU, THRISSUR, REP.BY ITS PRESIDENT SHRI.C.ZACHARIAH VARGHESE.**

2. **C. ZACHARIAH VARGHESE, AGED 68, SON OF VARGHESE, PRESIDENT, ALL KERALA KEROSENE WHOLESALE DEALERS ASSOCIATION, KEROSENE WHOLE SALE DEALERS, KUNNAMKULAM, THALAPPALLI TALUK, THRISSUR DISTRICT.**

3. **P.R.JACOB, AGED 61, S/O . RAPHAEL, GENERAL SECRETARY, ALL KERALA KEROSENE WHOLE SALE DEALERS ASSOCIATION, KEROSENE WHOLESALE DEALERS NO.27 , MANAGING PARTNER, PULIKKOTTIL AGENCIES, EDAPPAL, PONNANI TALUK, MALAPPURAM DISTRICT.**

4. **N.A. CHERIYAN, AGED 75, S/O. ABRAHAM, MANAGING PARTNER, SAINIK KEROSENE AGENCIES, THIRUVANANTHAPURAM.**

5. **K.P.MOHANAN, AGED 54, S/O. KANDAYI, MANAGING PARTNER, K.P. KANDAI & SONS, KEROSENE WHOLESALE DEALERS NO.12, WYNAD ROAD, KOZHIKODE 20, KOZHIKODE DISTRICT.**

BY ADV. SRI.T.S.RADHAKRISHNA PILLAI
SRI.T.P.KELU NAMBIAR (SR.)

RESPONDENTS:

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1. **STATE OF KERALA REP.BY THE SECRETARY TO GOVERNMENT, FOOD & CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **COMMISSIONER OF CIVIL SUPPLIES, BOARD OF REVENUE, (C.S.) THIRUVANANTHAPURAM.**

3. DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
4. DISTRICT COLLECTOR, KOLLAM.

5. DISTRICT COLLECTOR, PATHANAMTHITTA.

6. DISTRICT COLLECTOR, ALAPPUZHA.

7. DISTRICT COLLECTOR , KOTTAYAM.

8. DISTRICT COLLECTOR, IDUKKI.

9. DISTRICT COLLECTOR, ERNAKULAM.

10. DISTRICT COLLECTOR THRISSUR.

11. DISTRICT COLLECTOR, PALAKKAD.

12. DISTRICT COLLECTOR, MALAPPURAM.

13. DISTRICT COLLECTOR, KOZHIKODE.

14. DISTRICT COLLECTOR , WYNAD

15. DISTRICT COLLECTOR , KANNUR.

16. DISTRICT COLLECTOR, KASARAGOD.

*** ADDL.17H RESPONDENT IMPLEADED.**

17. ALL KERALA RETAIL RATION DEALERS ASSOCIATION, REG. NO.540/89 KOZHIKODE , REP.BY ITS GENERAL SECRETARY.

*** IMPLEADED AS ADDL.17 RESPONDENT IMPLEADED AS PER ORDER ON CMP. NO.20531/97 DT. 22.7.97.**

BY ADV. SRI.N.P.SAMUEL
BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, ALONG WITH OP NO. 21546 OF 2000 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.15882/1997 IN OP. NO.9127/1997

CLOSED

07.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS NO.CS-5-7231/75/K.DIS DT. 16.7.75 BY R12.

EXT.P12:- COPY OF THE PROCEEDINGS NO.CS3-10300/79 DT. 22.9 .79 BY R12.

EXT.P3:- COPY OF THE PROCEEDINGS NO.CS 6/11833/80 DT. 27.11.80 BY R12.

EXT.P4:- COPY OF THE PROCEEDINGS NO.CS.4/1910/93 DT. 4.5.93 BY R3.

EXT.P5:- COPY OF THE NOTIFICATION NO.PCS(CS) PTL. 64/ 91-92 DT. 25.7.91 BY DIRECTOR FOOD AND CIVIL SUPPLIES, BANGLORE.

EXT.P6:- COPY OF THE PROCEEDINGS NO.S5/4510/95 DT. 2.10.95 BY JOINT COLLECTOR, CHITTOOR.

EXT.P7:- COPY OF THE G.O.(MS) 15/97/F&CSD DT.13.5.97 BY R1.

/TRUE COPY/

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KURIAN JOSEPH, J.

O.P.No.9127 of 1997

Dated 7th June, 2007.

J U D G M E N T

The issue pertains to the leakage allowance for kerosene distributors. According to the petitioners, they have been enjoying the benefit of 1% leakage allowance for the last several years and without any proper study, the same was reduced to .5%, as per Ext.P7. It is seen that there is already an interim order in the matter for the last ten years, in C.M.P.No.15882/97. Learned counsel for the petitioners seek liberty to make an appropriate representation before the Government with regard to the modification/implementation of Ext.P7, in view of the time lag of more than ten years since Ext.P7 was issued and since the same was not implemented pursuant to the interim order passed by this Court. Therefore, without expressing any opinion as to the merits of the case and taking note of the efflux of time, the writ petition is disposed of as follows :-

In the event of the first petitioner filing an appropriate representation before the first respondent within a period of one month from today, the matter will be considered by the first

respondent with notice to the petitioner association and appropriate orders in accordance with law in the matter will be passed within another three months. The interim order passed by this Court will continue till such time.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.9127 of 1997 (J)

J U D G M E N T

Dated 7th June, 2007.